

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, DECEMBER 6, 2012**

Invocation: Pastor Tim Pinson Sr., Mission Possible Austin

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 6, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:11 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session meeting of November 6, 2012, regular meeting of November 8, 2012, election canvass of November 19, 2012 and special called meeting of November 28, 2012 and amend approved minutes of November 1, 2012.
The minutes from the City Council work session of November 6, 2012, regular meeting of November 8, 2012, election canvass of November 19, 2012 and special called meeting of November 28, 2012 and the motion to amend the approved minutes of November 1, 2012 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
2. Approve the issuance of a performance based incentive to Youth and Family Alliance dba LifeWorks for the generation of solar energy at its facility located at 835 N. Pleasant Valley Road in Austin, Texas, for an estimated \$40,800 per year for a total amount not to exceed \$408,000 over a 10-year period.
The motion to approve the issuance of a performance based incentive to Youth and Family Alliance doing business as LifeWorks was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
3. Authorize reimbursement to Seaholm Power, LLC, for design and engineering services for chilled water transmission lines and mechanical room design for chilled water service connections to a high-rise residential building and the former Seaholm power plant facility on the southern portion of the Seaholm Redevelopment site in an amount not to exceed \$210,840.
The motion authorizing the reimbursement to Seaholm Power, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 4 was pulled for discussion.

5. Approve Service Extension Request No. 3114 for wastewater service to 1851 Westlake Drive, located within the Drinking Water Protection Zone and partially in the City's limited purpose jurisdiction, to serve one existing single family house.
The motion to approve the service extension request number 3114 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
6. Approve an ordinance repealing Section 2-1-104 of the City Code dissolving the Asian American Resource Center Advisory Board.
Ordinance 20121206-006 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 7 and 8 were pulled for discussion.

9. Authorize execution of a construction contract with RODRIGUEZ BARR, INC. dba THE BARR COMPANY, AIA, for ABIA Terminal Improvements 2012 in the amount of \$6,479,800, including an allowance and alternate bid items, plus a \$323,990 contingency, for a total contract amount not to exceed \$6,803,790.
The motion authorizing the execution of a construction contract with Rodriguez Barr, Inc. doing business as The Barr Company, AIA was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 10 was pulled for discussion.

11. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS for Harold Court East Regional Service Center Improvements in the amount of \$4,795,831.40 plus a \$479,583.14 contingency, for a total contract amount not to exceed \$5,275,414.54.
The motion authorizing the execution of a construction contract with Austin Filter Systems was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
12. Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC. (WBE/FW 88.12%), for Central Business District Alley Waterlines 2010 Phase 1 in the amount of \$1,677,089 plus a \$251,563 contingency, for a total contract amount not to exceed \$1,928,652.
The motion authorizing the execution of a construction contract with Peabody General Contractors, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
13. Authorize negotiation and execution of change order #15 to the construction contract with BARECKY CONSTRUCTION COMPANY for Emergency Medical Station No. 33 in the amount of \$75,992.30 for a total contract amount not to exceed \$2,116,117.30.
The motion authorizing the negotiation and execution of change order number 15 to the construction contract with Barecky Construction Company was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
14. Authorize negotiation and execution of a job order contract with KBR, INC.; WARDEN CONSTRUCTION CORP.; JAMAIL & SMITH CONSTRUCTION; and RHJ-JOC, INC. (staff recommendation), or one or more of the other qualified responders, for the 2013 Job Order Contract for City of Austin Facilities Improvements. The budget for the initial two-year term of the Contract is \$6,000,000 to be distributed among the four selected Contractors based on work authorization and availability. The initial contract term may be renewed for up to three additional one-year terms if sufficient funds are available at the end of the initial term or if additional funds are appropriated.

The motion authorizing the negotiation and execution of a job order contract with KBR, Inc.; Warden Construction Corp., Jamail & Smith Construction and RHJ-JOC, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

15. Authorize negotiation and execution of an amendment to the professional services agreement with FOUND DESIGN LLC, dba MERJE, to provide additional professional services for the Downtown Austin Wayfinding project in the amount of \$86,154 for a total contract not to exceed \$319,154.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Found Design LLC doing business as Merje was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
16. Authorize the negotiation and execution of a furniture, fixtures, equipment and working capital loan to 11E5, LLC in an amount not to exceed \$1,081,101 under the Family Business Loan Program, for redevelopment of the property at 1100 East 5th Street as a multi-purpose event venue.
This item was postponed on consent to December 13, 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
17. Approve an ordinance repealing section 12-4-5 of the City Code relating to the speed limit of an ambulance responding to an emergency call.
Ordinance 20121206-017 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
18. Authorize negotiation and execution of interlocal agreements with twelve local governmental agencies and political subdivisions to provide decaling services by the City's Fleet Services Department with estimated annual revenue of \$10, 000 to the City.
The motion authorizing the negotiation and execution of interlocal agreements with twelve local governmental agencies and political subdivisions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
19. Approve negotiation and execution of a social services contract with AUSTIN TRAVIS COUNTY INTEGRAL CARE, for a twenty-two month term beginning on December 1, 2012, in an amount not to exceed \$3,362,320, with two twelve-month extension options in an amount not to exceed \$1,681,160 per extension option, for a total contract amount not to exceed \$6,724,640.
The motion authorizing the negotiation and execution of a social services contract with Austin Travis County Integral Care was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
20. Authorize negotiation and execution of an amendment to the legal services contract with Bickerstaff, Heath, Delgado, Acosta LLP, Austin, Texas, for legal services related to the November 2012 election, in the amount of \$175,000 for a total contact amount not to exceed \$378,000.
The motion authorizing the negotiation and execution of an amendment to the legal services contract with Bickerstaff, Heath, Delgado, Acosta LLP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
21. Approve an ordinance setting the council meeting schedule for calendar year 2013.
Ordinance 20121206-021 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
22. Approve an ordinance authorizing acceptance of an additional \$50,000 in grant funds from the United States Department of Health and Human Services, Administration for Children and Families, Assets for Independence Demonstration Program; and amending the Fiscal Year 2012-2013 Neighborhood Housing and Community Development Office Operating Budget Special Revenue Fund (Ordinance No.

20120910-001) for a total authorization of \$300,000 to establish a City of Austin Individual Development Accounts program to help participating low-income persons achieve financial stability.

Ordinance 20121206-022 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

23. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell 11.4095 acres of land, out of the Rueben Hornsby Survey No. 17, Abstract 15, Travis County, Texas, and being a portion of that certain tract of land described as 285.287 acres, Tract Number One, in the Deed to the City of Austin, of record in Volume 9247, Page 710 of the Real Property Records, Travis County, Texas, to the TEXAS DEPARTMENT OF TRANSPORTATION in the amount of \$261,861.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell land to the Texas Department of Transportation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
24. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell an approximate 0.341 of an acre of land, more or less, out of and a part of the Santiago Del Valle Grant, in Travis County, Texas, and being that certain 0.36 acre tract more particularly described by metes and bounds in a Warranty Deed to Cesar R. Jeffery, recorded in Document No. 2007212572, Official Public Records, Travis County, Texas; save and except a 0.017 acre tract conveyed to Travis County, Texas, by Right of Way Deed recorded in Volume 1790, Page 218, Deed Records, Travis County, Texas, locally known as 1325 Dalton Lane, to OLIVER A. BILLINGSLEY, for the fair market value of \$13,600 as determined by a sealed bid auction held on October 10, 2012.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell land to Oliver A. Billingsley was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
25. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell approximately 23.172 acres of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, being the same property conveyed to Dennis R. Worsham by deed recorded in/under 11037/552 of the Real Property Records of Travis County, Texas, locally known as 5611 Colton Road, to O.C. GREENBELTS, LLC, for the fair market value of \$127,000 as determined by a sealed bid auction held on October 10, 2012.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell land to O. C. Greenbelts, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
26. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell approximately 13.292 acres of land, more or less, out of the Noel M. Bain Survey No. 1, Abstract No. 61, Travis County, Texas, and being more particularly described by metes and bounds in a Warranty Deed recorded under Document No. 2004171658, of the Official Public Records of Travis County, Texas, locally known as 7201 Bain Road, to O.C. GREENBELTS, LLC, for the fair market value of \$60,000 as determined by a sealed bid auction held on October 10, 2012.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell land to O. C. Greenbelts, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
27. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell Lots 1 and 2, of the United Pentecostal Subdivision, a Subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Document No. 200700088, of the Official Public Records of Travis County, Texas, locally known as 1201 and 1213 Bastrop Highway, to JOHNATHAN WEINSTEIN, for the fair market value of \$280,100 as determined by a sealed bid auction held on October 10, 2012.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell lots to Jonathan Weinstein was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

28. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell property generally known as 818, 820, 822, 824, 825, 827 and 829 Patton Avenue and 915 Bastrop Highway, to OLIVER A. BILLINGSLEY, for the fair market value of \$62,757 as determined by a sealed bid auction held on October 10, 2012.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell property to Oliver A. Billingsley was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

29. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire a drainage easement of approximately 3.662 acres (159,513 square feet) for the Slaughter Creek at David Moore Drive Crossing Improvements Project, situated in the S.F. Slaughter Survey No. 1, Abstract 20, in Travis County, Texas, located at 10000 David Moore Drive, Austin, Texas 78748, from THE MOST REVEREND JOHN MCCARTHY, Bishop of the Catholic Diocese of Austin, and his successors in office, in an amount not to exceed \$138,986.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire a drainage easement from Reverend John McCarthy was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 30 was pulled to be heard after the related item 110.

31. Approve an ordinance vacating a portion of Right-of-Way, recorded in Book 3, Page 136, Travis County Plat Records, to Earl Michael Gatewood, as Trustee of the Wilson GST Gift Trust, generally located northwest of the intersection of Wooldridge Avenue and Gaston Avenue.

Ordinance 20121206-031 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

32. Approve an ordinance amending City Code Chapter 8-1, Article 7 and City Code Chapter 10-6 to clarify the authority of the director of the Parks and Recreation Department, terminology, and fine ranges related to prohibitions on fire hazard activity and smoking on parkland for increased public health and safety protection from smoking and fire hazard activity in parks during burn ban orders or prohibitions on outdoor cooking and grilling; and declaring an emergency.

This item was postponed on consent to December 13, 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

33. Approve an ordinance amending the Fiscal Year 2012-2013 Special Revenue Fund Operating Budget of the Parks and Recreation Department (Ordinance No. 20120910-001) to accept and appropriate up to \$175,000 from the Run Tex Foundation, and waiving certain fees and requirements for the 2012 Trail of Lights in an amount not to exceed \$119,526.

Ordinance 20121206-033 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

34. Authorize the execution of the Amendment #1 to Joint Operations Agreement between the City of Austin and the YMCA of Austin.

The motion authorizing the execution of amendment number one to Joint Operations Agreement between the City of Austin and the YMCA of Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 35 and 36 were pulled for discussion.

37. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments (CAPCOG) and payment of the related membership fee, in an amount not to exceed \$81,023.

Resolution 20121206-037 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 38 was pulled for discussion.

39. Approve a resolution authorizing the negotiation and execution of a Managed Growth Agreement with The Protestant Episcopal Church Council of the Diocese of Texas, St. Michael's Episcopal Church, for the 11.32 acre tract located at 1500 Capital of Texas Highway, known as the St. Michael's Episcopal Church site plan, SPC-01-0456C(XT2).MGA.

Resolution 20121206-039 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

40. Approve an ordinance amending ordinance No. 20071213-088, to reflect the correct zoning for the property located at 1209 South 1st Street.

Ordinance 20121206-040 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

41. Approve second/third readings of an ordinance to annex the Estancia Hill Country/Wunneburger Strange area for full purposes (approximately 619 acres in southern Travis County west of IH 35 South approximately eight-tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway).

This item was postponed on consent to January 17, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

42. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the University of Texas at Austin in the amount of \$300,000 to cover the costs of research and evaluation for the City of Austin Byrne Criminal Justice Innovation Program over the 3-year grant period.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the University of Texas at Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

43. Authorize negotiation and execution of an interlocal agreement between the City and the Austin Independent School District in the amount of \$12,000 to cover the cost of gang prevention/intervention training and school district police overtime for Austin/Travis County Joint Juvenile Gang Intervention Team programming.

The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Austin Independent School District was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

44. Authorize negotiation and execution of an interlocal agreement between the City and Travis County for one Assistant District Attorney position, which is to be devoted to handling criminal matters in the Downtown Business District in the amount of \$20,000.

The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

45. Authorize negotiation and execution of amendment number one to the interlocal agreement between the City of Austin and Travis County concerning the FY2009 Justice Assistance Grant (JAG) Program that will extend the term of the interlocal through March 31, 2013, for a total contract amount not to exceed \$100,000.

The motion authorizing the negotiation and execution of amendment number one to the interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

46. Authorize award and execution of Amendment No. 1 to a contract with CHASE PAYMENTECH SOLUTIONS, LLC, for Visa and MasterCard credit card processing services to increase funding in an estimated amount not to exceed \$469,249, for a revised estimated total contract amount not to exceed \$5,940,966. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of amendment number one to a contract with Chase Paymentech Solutions, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

47. Authorize award and execution of a 12-month requirements contract through the Texas Local Government Purchasing Cooperative (Buy Board) with PCMALLGOV, for AIM, a database Client/Server Application, licenses and support for Early Intervention Software for the Austin Police Department, Internal Affairs in an estimated amount not to exceed \$79,750, with five 12-month extension options for technical assistance and support in an amount not to exceed \$10,000, \$10,000, \$10,500, \$11,000, \$11,500 respectively, for a total estimated contract amount not to exceed \$132,750.

This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

48. Authorize award, negotiation, and execution of a 36-month requirements service contract with JPMORGAN CHASE BANK, NA, or with the other qualified respondents to RFP BKH0152 to provide an enterprise-wide online e-payment system in an estimated amount not to exceed \$661,400 with two 24-month extension options in an estimated amount not to exceed \$903,650 for the first extension option and \$1,407,377 for the second extension option, for a total estimated contract amount not to exceed \$2,972,427. Recommended by the Water and Wastewater Commission and the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a requirements service contract with JPMorgan Chase Bank, NA was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

49. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with McCOURT & SONS EQUIPMENT, INC for the purchase of one compost windrow turner for the Austin Water Utility in an amount not to exceed \$532,060. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with McCourt & Sons Equipment, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

50. Authorize award and execution of a 36-month requirements service agreement with SPECIALIZED RESPONSE SOLUTIONS, L.P., for the cleaning, inspection and certification of bulk chlorine storage tanks at the Ullrich Water Treatment Plant for the Austin Water Utility, in a total estimated contract amount not to exceed \$68,520.

The motion authorizing the award and execution of a requirements service agreement with Specialized Response Solutions, L.P. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

51. Authorize award and execution of a 36-month requirements service contract with HI-LITE MARKINGS, INC. to provide airfield marking removal and reapplication for the Aviation Department, in an estimated amount not to exceed \$2,004,975, with three 12-month extension options in estimated amounts not to exceed \$668,325 for each extension option, a total estimated contract amount not to exceed \$4,009,950. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service contract with Hi-Lite Markings, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
52. Authorize award, negotiation, and execution of an 12-month requirements service contract with INDUSTRIAL ORGANIZATIONAL SOLUTIONS, INC., or one of the other qualified offerors to RFP No. CEA0111, to provide Civil Service hiring and promotional examination services for the Emergency Medical Services Department (EMS) in an estimated amount not to exceed \$81,000, with two 12-month extension options in an estimated amount not to exceed \$81,000 per extension option, for a total estimated contract amount not to exceed \$243,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements service contract with Industrial Organizational Solutions, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
53. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SAN ANTONIO AMBULANCE SALES for the purchase of six ambulances for the Emergency Medical Services Department in an amount not to exceed \$1,107,224. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with San Antonio Ambulance Sales was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
54. Authorize award and execution of a 36-month requirements service contract with SIMPLEX GRINNELL LP to provide maintenance and repair of security access control and closed-circuit television monitoring systems for the Building Services Department, in an estimated amount not to exceed \$236,700, with three 12-month extension options in estimated amounts not to exceed \$78,900 per extension option, for a total estimated contract amount not to exceed \$473,400. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service contract with Simplex Grinnell LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
55. Authorize award and execution of Amendment No. 7 to a contract with ATHLETES SERVICES NETWORK AMERICA, dba AUSTIN MIDNIGHT BASKETBALL, for management and operation of the Midnight Basketball Program for the Parks and Recreation Department (PARD) to increase the contract amount in an amount not to exceed \$40,800 for the final extension option, for a revised total estimated contract amount not to exceed \$530,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise

Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of amendment number seven to a contract with Athletes Services Network America doing business as Austin Midnight Basketball was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

56. Authorize negotiation and execution of a Amendment No. 3 to a contract with OPEN TEXT INC, for additional licenses, maintenance and support for the Enterprise Document Imaging and Management System (EDIMS), in an amount not to exceed \$203,667 with increases to three existing 12-month extension options in amounts not to exceed \$36,542, \$42,783 and \$47,061 respectively, for a total contract amount not to exceed \$868,224.

The motion authorizing the negotiation and execution of amendment number three to a contract with Open Text Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

57. Approve an ordinance amending the Fiscal Year 2012-2013 Austin Transportation Department Parking Management Fund Operating Budget (Ordinance No. 20120910-001) increasing revenue by \$353,040, increasing program expenses by \$179,120, adding 1.0 new full-time equivalent position, and increasing transfers out by \$88,699, for a total of \$267,819; and amending the Fiscal Year 2012-2013 Austin Transportation Department Capital Budget (Ordinance No. 20120910-002) to appropriate \$88,699 from the Austin Transportation Department Parking Management Fund Operating Budget (Ordinance No. 20120910-001) for West Campus Neighborhood improvements.

Ordinance 20121206-057 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

58. Approve a resolution authorizing the submission of an application for a federal construction grant in an amount not to exceed \$382,494 under the Texas Department of Transportation (TxDOT) Transportation Enhancement Program for the first phase of the Decker Lane Pedestrian Facility and Bridge project.

Resolution 20121206-058 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

59. Approve a resolution expressing the City's consent, as required by Internal Revenue Code Section 147(f), to Northeast Higher Education Facilities Corporation's loan to Hyde Park Baptist School, Inc. ,in an amount not to exceed \$15,000,000, for refinancing the cost of a secondary education facility, including classrooms and labs with a total capacity not exceeding 600 students, a dedicated two-story library, a multipurpose hall serving as an auditorium and cafeteria, administrative and support facilities, a 10,000 square foot athletic complex, including locker rooms with shower areas and restrooms, laundry facilities, weight rooms, and coaches' offices, and utilities, drainage, roads, landscaping, and parking, for facilities of the Borrower located at 11400 N. MoPac Expressway, Austin, and paying certain expenses in connection with the issuance of the loan.

Resolution 20121206-059 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

60. Authorize negotiation and execution of Amendment No. 8 to an Interlocal Agreement with the University of North Texas for a native vegetation restoration project to be conducted in Lake Austin and Lady Bird Lake extending the termination date to December 31, 2015, in an amount not to exceed \$120,000, for a revised contract amount not to exceed \$645,000.

The motion authorizing the negotiation and execution of amendment number eight to an interlocal agreement with the University of North Texas was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

61. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments and waivers were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

Construction Advisory Committee

Robert "Carson" Fisk

Council Member Spelman

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

Sheri Marshall

Mayor Pro Tem Cole

Zero Waste Advisory Commission

Daniela Ochoa Gonzalez

Council Member Martinez

Nominations to Intergovernmental Bodies

Board/Nominee

Nominated by

Capital Metropolitan Transportation Authority Board

Ann Stafford

Council

Waivers

Approve a waiver under Section 2-1-27(E) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for a person appointed to a City board on or after August 2, 2012, and on or before December 6, 2012, if the person completes the training required by Section 2-1-23 on or before March 29, 2013.

62. Approve an ordinance reimbursing certain rental fees for the 10th Annual Chess Tournament in the Park sponsored by the Austin Parks Foundation, which took place on Saturday, November 10, 2012, at Brush Square Park. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Ordinance 20121206-062 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 63 and 64 were set for a time certain of 6:30 p.m.

65. Approve an ordinance reimbursing certain fees and waiving certain requirements for the 39th Annual Fall String Festival sponsored by the Austin Independent School District which was held on Tuesday, November 6, 2012, at the Zilker Park Hillside Theatre. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Mayor Lee Leffingwell)
Ordinance 20121206-065 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
66. Approve a resolution directing the City Manager to bring forward for Council consideration amendments to City Code Section 25-8-27 (Redevelopment Exception in the Barton Springs Zone) and other sections of the Code that will improve water quality and redevelopment opportunities in the Barton Springs Zone and other areas of the City. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
This item was postponed on consent to December 13, 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

67. Approve a resolution directing the City Manager to provide a report to Council, addressing the backlog of residential permit applications. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)
Resolution 20121206-067 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
68. Approve the reimbursement of certain fees under City Code Chapter 14-8 and authorize payment of certain costs for the 25th annual AIDS Walk Austin 2012 event, sponsored by AIDS Services of Austin, which was held on Sunday, October 21, 2012. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)
The motion to approve the reimbursement of certain fees and authorizing payment of certain costs for the 25th annual AIDS Walk Austin 2012 event, sponsored by AIDS Services of Austin, was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 69 was pulled for discussion.

Item 70 was pulled to be heard after the related Executive Session item.

Item 71 was pulled for discussion.

72. Approve a resolution directing the City Manager to have the City of Austin participate in the "Work-From-Home" pilot day on February 8, 2013. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member William Spelman CO 2: Council Member Kathie Tovo)
Resolution 20121206-072 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 73 and 74 were pulled for discussion.

75. Set a public hearing to consider a resolution granting a waiver to Wheatsville Food Co-op, located at 4001 South Lamar Blvd., from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school. (Suggested date and time: December 13, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for December 13, 2012 at 4:00 p.m., at City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
76. Set a public hearing to consider an ordinance on first reading regarding the application submitted by American Medical Response of Texas, Inc. to renew a non-emergency medical transfer franchise under Chapter 10-2 of the City Code. (Suggested date and time: January 17, 2013, 4pm at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for January 17, 2013 at 4:00 p.m., at City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 78 and 79 were briefing items set for 10:30 a.m.

Items 80 through 83 were Executive Session items.

Items 84 through 108 were zoning items set for 2:00 p.m.

Item 109 was an AHFC meeting set for 3:00 p.m.

Items 110 through 120 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

Items 4 and 8 were acted on in a combined motion.

4. Approve an ordinance amending the Fiscal Year 2012-2013 Austin Water Utility Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$15,500,000 for a total appropriation of \$523,500,000 for all remaining construction phase services for Water Treatment Plant No. 4. Related to Item #8.

Ordinance 20121206-004 was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 7-0 vote.

8. Authorize additional contract authority in the amount of \$13,500,000 plus \$2,000,000 owner contingency, for a total contract amount not to exceed \$374,500,000 for all remaining construction phase services in the Construction Manager at Risk Agreement with MWH CONSTRUCTORS, INC. for Water Treatment Plant No. 4. Related to Item #4.

The motion authorizing an additional contract authority with MWH Constructors, Inc. was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 7-0 vote.

BRIEFINGS

78. Office of Sustainability Update.

The presentation was made by Lucia Athens, Chief Sustainability Officer.

DISCUSSION ITEMS CONTINUED

10. Authorize the execution of a professional services agreement with BRANDSTETTER CARROLL, INC., for RFQ Solicitation CLMP101A, to provide professional services for the Aquatic Facilities Strategic Master Plan project in the amount of \$250,000.

This item was postponed to December 13, 2012 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

EMINENT DOMAIN

This vote applies to all units of property for item 77 to be condemned.

77. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the following easements for the construction of the 345 kV Austrop to Dunlap Transmission Line Project: an approximately 1.779 acre tract of land and an approximately 2.342 acre tract of land out of the James Gilleland Survey No. 13, Abstract No. 12, Travis County, Texas, in the amounts of \$19,213 and \$25,294 respectively. The owner of the needed property interest is Beard & Beard Investments, LP. The general route of the project runs west from the Austrop Substation located on Blake-Manor Road to the Dunlap Substation under construction east of Taylor Lane. The easements being acquired run along and parallel to the north and south sides of an existing City of Austin electric transmission easement.

Resolution No. 20121206-077 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Lanetta Cooper- Propose Austin Energy Governing Board

Jeff Jack- Proposed Austin Energy Governing Board

Carol Biedrzycki- Proposed Austin Energy Governing Board

Bill Oakey- Proposed Austin Energy Governing Board **Not present when name was called.**

Kassi Darakhshan- Austin Youth Hostel updates **Withdrew name from Citizen Communications to speak on items 35 and 36 (related agenda items).**

Tom Smitty Smith- Austin Energy Governance **Not present when name was called.**

Ruby Roa- Austin Energy Governing Board

Michael Whellan- Youth Hotel's facility on Lady Bird Lake **Withdrew name from Citizen Communications to speak on items 35 and 36 (related agenda items).**

Clay Dafoe- Corporate development destroying Austin weird

Roy Waley- Austin Energy

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:38 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

80. Discuss legal issues related to Open Government matters (Private consultation with legal counsel -Section 551.071). **This item was withdrawn.**
81. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel- Section 551.071)
82. Discussion of personnel matters related to the appointment of a new City Clerk (Personnel Matters- 551.074)
83. Discuss a real property acquisition of approximately 46 acres located east of US 183 (Real Property- Section 551.072)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:53 p.m.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

84. C14-2011-0066 - Creekside - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5616 South 1st Street (Williamson Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on October 20, 2011. Vote: 6-0, Mayor Pro Tem Cole was off the dais.

Owner/Applicant: Equilibrium Development (Brad Schubert). Agent: PSW Homes (Ryan Diepenbrock). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20121206-084 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

85. C14-2012-0063 - Christian Life Austin - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700 West Gate Boulevard and 4701 Sunset Trail (Williamson Creek Watershed) from single family residence-standard lot (SF-2) district zoning, single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning, multi-family residence-low density (MF-2) district zoning, and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning. First reading approved on September 27, 2012. Vote: 5-1, Council Member Riley voted nay; Council Member Martinez was off the dais. Second Reading approved on November 8, 2012. Vote 6-1, Council Member Riley voted nay. Owner/Applicant: Christian Life Church of Austin (Josh Reynolds). Agent: Enabler Design (DeVon Wood). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20121206-085 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 6-1 vote. Council Member Riley voted nay.
87. C14-2012-0106 - 5th & San Jacinto Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 East 5th Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning. First reading approved on November 8, 2012. Vote 6-1, Council Member Tovo voted nay. Applicant: Harry Whittington, Mercedes Whittington, Sally May, Mercedes Greg, Margaret Puckett Trust, Sara May Trust, Caroline Puckett Trust, Michael May Trust, Camille May Trust, William Puckett Trust, Claire Whittington Trust. Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.
The second reading of the ordinance for central business district-central urban redevelopment district (CBD-CURE) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 6-1 vote. Council Member Tovo voted nay.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

88. NPA-2012-0019.03 - 2814 San Pedro - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-056, the Central Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2814 San Pedro Street (Shoal Creek) from Single Family to Multifamily land use. Staff Recommendation: To deny Multifamily land use. Planning Commission Recommendation: This case was withdrawn by the Applicant prior to the Planning Commission hearing. Owner/Applicant: Cater Joseph. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Maureen Meredith, 974-2695.
This item was withdrawn on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
89. NPA-2012-0018.02 - George Shia NPA - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 828, 836, 900 and 902 Houston Street, and 5527 Sunshine Drive (Waller Creek Watershed) from Higher Density Single Family land use and Mixed Use/Office land use to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission

Recommendation: To deny Multifamily land use. Owner/Applicant: George Shia. Agent: Coats, Rose, Yale, Ryman & Lee (John M. Joseph). City Staff: Maureen Meredith, 974-2695.

This item was withdrawn on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

90. C14-2012-0052 - George Shia Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 828 Houston Street and 5527 Sunshine Drive (Waller Creek Watershed) from townhouse and condominium residence-neighborhood plan (SF-6-NP) and limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to multifamily-high density-neighborhood plan (MF-5-NP) combining district zoning. Staff Recommendation: To grant multifamily-high density-neighborhood plan-conditional overlay (MF-5-NP-CO) combining district zoning. Planning Commission Recommendation: To deny multifamily-high density-neighborhood plan-conditional overlay (MF-5-NP-CO) combining district zoning. Applicant: George Shia. Agent: Coats, Rose, Yale, Ryman, & Lee (John Joseph). City Staff: Clark Patterson, 974-7691.

This item was withdrawn on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

91. C14-2009-0055.01 (formerly identified as C14-2012-0053) - Texas State Troopers Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5536-5540 North Lamar Boulevard (Waller Creek Watershed) from commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To deny commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Applicant: Texas State Troopers Association (Claude Hart). Agent: Coats, Rose, Yale, Ryman, & Lee (John Joseph). City Staff: Clark Patterson, 974-7691.

This item was withdrawn on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

92. NPA-2012-0026.02 - Georgian Retail - Conduct a public hearing and approve an ordinance amending Ordinance No. 20100624-110, the North Lamar Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 9310 Georgian Drive (Little Walnut Creek Watershed) from Single Family land use to Neighborhood Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Neighborhood Mixed Use land use. Owner/Applicant: Amir Hossein Batoeinng. City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to January 17, 2013 at the applicant's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

93. C14-2012-0101- 9310 Georgian Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9310 Georgian Drive (Little Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning

to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use- conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Owner/Applicant: Amir Hossein Batoeinng. City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to January 17, 2013 at the applicant's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

94. NPA-2012-0019.01 - West 34th Street Redevelopment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-056, the Central Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3206 West Avenue, 3205 and 3207 Grandview Street (Shoal Creek Watershed; Waller Creek Watershed) from Single Family land use to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use/Office land use. Owner/Applicant: B & G Partners, L.P. (Richard D. Stilovich). Agent: Armbrust & Brown, PLLC (Amanda Morrow) and McCann Adams Studios (Jana McCann). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to January 17, 2013 at the neighborhood association's request on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

95. C14-2011-0131 - West 34th St. Redevelopment, Tract "A" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 and 808 West 34th Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to January 17, 2013 at the neighborhood association's request on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

96. C14-2011-0132 - West 34th St. Redevelopment, Tract "B" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3316 Grandview Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to January 17, 2013 at the neighborhood association's request on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

97. C14-2011-0133 - West 34th St. Redevelopment, Tract "C" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West 34th Street, 3205 and 3207 Grandview Street, and 3206 West Avenue (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant

general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to January 17, 2013 at the neighborhood association's request on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

98. C14-2011-0134 - West 34th St. Redevelopment, Tract "D" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 715 West 34th Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to January 17, 2013 at the neighborhood association's request on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

101. C14-2012-0097 - Little Woodrow's Bar & Restaurant - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5425 Burnet Road (Waller Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Staff Recommendation: To approve commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To approve commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Applicant: Rick Engel. Agent: Alice Glasco Consulting, Inc. (Alice Glasco). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to December 13, 2012 at the applicant's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

102. C14-2012-0121 - Tech Ridge Center Phase III Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12504 McCallen Pass (Walnut Creek Watershed) from limited industrial services (LI) district zoning, community commercial (GR) district zoning, and rural residence (RR) district zoning to multi-family residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density (MF-4) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high density (MF-4) district zoning. Owner/Applicant: Tech Ridge Phase III, LP (Paul Juarez, VP Tech Ridge GP, LLC). Agent: Tech Ridge Management, LLC (Gina E. Diehl). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121206-102 for multi-family residence-moderate-high density (MF-4) district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

103. C14-2012-0113 - 7003 E. Riverside Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7003 East Riverside Drive (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district

zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning, with conditions. Owner: Bradsher Family Trust (Jack Bradsher). Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning, with conditions, was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

105. C14-2012-0115 - Landscape Resources - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7401 Old Bee Caves Road (Williamson Creek Watershed-Barton Springs Zone) from rural residence-neighborhood plan (RR-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Owner: WEAPSA LLC (Werrick E. Armstrong). Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121206-105 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

106. C14-2012-0117 - Harlan Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4200 Manchaca Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Owner: Estate of Orlena H. Harlan (Don Wilson Herron and Jon Taylor Herron). Applicant: Alice Glasco Consulting (Alice Glasco). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121206-106 for limited office-mixed use (LO-MU) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

107. C14-2012-0119 - The Oaks Phase III - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14233 The Lakes Boulevard (Harris Branch Watershed) from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to multi-family residence-low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence-low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density (MF-2) district zoning. Owner/Applicant: Tech Ridge Spectrum B.C., L.P. Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas (David Hartman). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121206-107 for multi-family residence-low density (MF-2) district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

108. C14-2012-0127 - Govalle Tunnel Centralized Odor Control Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 818-826 Patton Avenue (Carson Creek Watershed) from public (P) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial

services (CS) district zoning. Owner/Applicant: City of Austin Public Works Department (Jonathan Thompson). Agent: Parsons Corporation (Monica Suarez). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121206-108 for general commercial services (CS) district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

99. C14-2011-0065 - The Austin Hotel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 and 804 Congress Avenue (Town Lake Watershed) from central business district (CBD) and central business district-historic landmark (CBD-H) combining district zoning to central business district-central urban redevelopment district (CBD-CURE) and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Planning Commission Recommendation: To deny central business district-central urban redevelopment district (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Applicant: Gone to Texas Capital One, L.P. (David Kahn), The Karotkin Family Real Estate Trust (Doris Karotkin, Trustee). City Staff: Clark Patterson, 974-7691.
This item was postponed to January 17, 2013 on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 7-0 vote.
104. C14-2012-0114 - Monaco II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2440 Wickersham Lane (Country Club East Creek Watershed) from multi-family residence-low density (MF-2) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Owner: PDQ Austin Overlook, Inc. (T. Mark Knutsen). Applicant: Vaughn & Associates (Rick Vaughn). City Staff: Lee Heckman, 974-7604.
This item was postponed to January 17, 2013 at the neighborhood association's request on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:16 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:17 p.m.

DISCUSSION ITEMS CONTINUED

7. Approve an ordinance changing the name of ARENA DRIVE to SHORE DISTRICT DRIVE, or another name determined to be appropriate.
Ordinance 20121206-007 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Spelman and Riley. Those voting nay were: Council Members Morrison and Tovo.
35. Approve execution of a temporary license agreement with American Youth Hostels, Inc., d/b/a Hostelling International-USA ("HI-USA"), on park land located at 2200 S. Lakeshore Drive, for an initial term of five years with one five-year renewal option, in exchange for a license payment to the City of \$2,000 per month .

The motion authorizing the execution of a temporary license agreement with American Youth Hostels, Inc. doing business as Hostelling International-USA ("HI-USA") with the following amendments was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

The amendments to the license agreement were:

6.1 should read, "The Hostelling International-USA (HI-USA) shall be responsible for such maintenance and repairs if the problem is a result of improvements or work performed by HI-USA or an HI-USA contractor."

Parking, paragraph 12, should include the wording, "two parking spots reserved for staff."

36. Approve a resolution waiving the requirements of the City's policy related to concessions on park land, adopted by Council Resolution No. 980312-025, for a food and beverage and stand-up paddle board concession agreement between American Youth Hostels, Inc., d/b/a Hostelling International, and EpicSUP to be located at 2200 S. Lakeshore Drive.
Resolution 20121206-036 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Riley.
38. Authorize negotiation and execution of an amendment to the Memorandum of Understanding between the City and Waller Creek Conservancy for the City to contribute an amount not to exceed \$75,000 toward the Waller Creek Conservancy's hiring of a Project Coordinator and to acknowledge the Conservancy's and City's agreement to retain the selected design team.
The motion authorizing the negotiation and execution of an amendment to the Memorandum of Understanding between the City and Waller Creek Conservancy was approved on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
69. Approve an ordinance creating a pilot program to authorize walking and biking in certain trails on a 24-hour basis for the 2013 calendar year and waiving City Code Section 8-1-14 regarding park curfews for the limited purpose of walking or biking during the pilot program period. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)
This item was postponed to January 17, 2013 on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote.
70. Approve a resolution appointing a new City Clerk and establishing compensation and benefits. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole)
Resolution 20121206-070 was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
73. Approve an ordinance initiating amendments to City Code Chapter 25-6 to establish a pilot program to reduce parking requirements for commercial businesses utilizing trip-reduction strategies; and waiving the requirement of City Code Section 25-1-502. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman)
Ordinance 20121206-073 was approved with the following friendly amendment on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote. There was a friendly amendment made by Council Member Morrison to add the following sentence to Part 5 of the ordinance, "...The staff report accompanying the ordinance should summarize any comments provided by commissioners in response to the briefing..." The amendment was accepted by the maker of the motion and by Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Spelman to add a new section in part 5 and renumber section 5 and 6 to 6 and 7 to read “The proposal required under part 2 of this ordinance must include a description of the key objectives and performance measures to be used in the evaluations of the success of this program.” The amendment was accepted by the maker of the motion and by Mayor Pro Tem Cole, who made the second.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 115 through 120 were acted on in a combined motion.

115. Approve an ordinance amending City Code Chapter 25-2 to create the East Riverside Corridor (ERC) zoning district, adopt a regulating plan for the district, amend Subchapter E: Design Standards & Mixed Use to exempt the ERC zoning district, and approve a collector street plan for the East Riverside Corridor Area on property located along or in proximity to East Riverside Drive, between IH-35 on the west and State Highway 71 on the east. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012. PER CITY CODE SECTION 25-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED FOR THIS ITEM.

This item was postponed to January 17, 2013 on Council Member Martinez’ motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

116. NPA-2012-0021.02 - East Riverside Corridor Regulating Plan (East Riverside/Oltorf Combined (ERO) Neighborhood Planning Area) - Approve an ordinance amending Ordinance No. 20061116-055, an element of the Imagine Austin Comprehensive Plan, by adopting the East Riverside Corridor Regulating Plan and changing the future land use designations of approximately 815 acres from various future land use designations to Specific Regulating District (SRD), on property in the ERO Neighborhood Planning Area located along or in proximity to East Riverside Drive, between IH-35 on the west and Grove Boulevard on the east (Harper's Branch Watershed, Town Lake Watershed, Country Club East Creek Watershed, Country Club West Creek Watershed, Carson Creek Watershed). Staff Recommendation: To grant Specific Regulating District. Planning Commission Recommendation: To grant Specific Regulating District, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012. PER CITY CODE SECTION 2-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED FOR THIS ITEM.

This item was postponed to January 17, 2013 on Council Member Martinez’ motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

117. NPA-2012-0005.04 - East Riverside Corridor Regulating Plan (Montopolis Neighborhood Planning Area) - Approve an ordinance amending Ordinance No. 010927-05, an element of the Imagine Austin Comprehensive Plan, by adopting the East Riverside Corridor Regulating Plan and changing the future land use designations of approximately 271 acres from various future land uses designations to Specific Regulating District (SRD), on property in the Montopolis Neighborhood Planning Area located along or in proximity to East Riverside Drive, between Grove Boulevard on the west and State Highway 71 on the east (Country Club East Creek Watershed, Carson Creek Watershed, Colorado River Watershed). Staff Recommendation: To grant Specific Regulating District. Planning Commission Recommendation: To grant Specific Regulating District, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012. PER CITY CODE SECTION 2-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED FOR THIS ITEM.

This item was postponed to January 17, 2013 on Council Member Martinez’ motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

118. C14-2012-0111a - East Riverside Corridor Regulating Plan (East Riverside Neighborhood Planning Area) - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 13 tracts (approximately 228 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the East Riverside Neighborhood Planning Area located along or in proximity to East Riverside Drive, between IH-35 on the west and Pleasant Valley Road on the east (Harper's Branch Watershed, Town Lake Watershed, Country Club West Creek Watershed) from unzoned, rural residence-neighborhood plan (RR-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, multi-family residence-medium density (MF-3) district zoning, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-moderate-high density (MF-4) district zoning, multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning, limited office-neighborhood plan (LO-NP) combining district zoning, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, general office-neighborhood plan (GO-NP) combining district zoning, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, general office-mixed-use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-vertical mixed use building-conditional overlay-neighborhood plan (LR-V-CO-NP) combining district zoning, community commercial (GR) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-neighborhood plan (CS-NP) combining district zoning, general commercial services-mixed-use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, commercial-liquor sales (CS-1) district zoning, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning, commercial-liquor sales-mixed-use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning, and lake commercial-conditional overlay-neighborhood plan (L-CO-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. Staff Recommendation: To grant East Riverside Corridor (ERC) district zoning. Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012. PER CITY CODE SECTION 2-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED FOR THIS ITEM.
This item was postponed to January 17, 2013 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
119. C14-2012-0111b - East Riverside Corridor Regulating Plan (Pleasant Valley Neighborhood Planning Area) - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 25 tracts (approximately 365 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the Pleasant Valley Neighborhood Planning Area located along or in proximity to East Riverside Drive, between Pleasant Valley Road on the west and Grove Boulevard on the east (Country Club East Creek Watershed, Country Club West Creek Watershed) from rural residence (RR) district zoning, rural residence-neighborhood plan (RR-NP) combining district zoning, single family residence-large lot-neighborhood plan (SF-1-NP) combining district zoning, single family residence-standard lot-

neighborhood plan (SF-2-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning, multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-moderate-high density (MF-4) district zoning, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, general office-mixed-use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning, community commercial (GR) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed-use-neighborhood plan (CS-MU-NP) combining district zoning, commercial-liquor sales (CS-1) district zoning, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning, industrial park-neighborhood plan (IP-NP) combining district zoning, and limited industrial service-neighborhood plan (LI-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. Staff Recommendation: To grant East Riverside Corridor (ERC) district zoning. Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012. PER CITY CODE SECTION 2-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED FOR THIS ITEM.

This item was postponed to January 17, 2013 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

120. C14-2012-0112 - East Riverside Corridor Regulating Plan (Montopolis Neighborhood Planning Area) - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 11 tracts (approximately 235 acres) within the East Riverside Corridor Regulating Plan boundaries, on property located in the Montopolis Neighborhood Planning Area along or in proximity to East Riverside Drive, between Grove Boulevard on the west and State Highway 71 on the east (Country Club East Creek Watershed, Carson Creek Watershed, Colorado River Watershed) from rural residence-neighborhood plan (RR-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning, multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning, multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning, general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, general commercial services-neighborhood plan (CS-NP) combining district zoning, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning,

general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial service-neighborhood plan (LI-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. Staff Recommendation: To grant East Riverside Corridor (ERC) district zoning. Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012. PER CITY CODE SECTION 2-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED FOR THIS ITEM.

This item was postponed to January 17, 2013 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

74. Approve a resolution establishing an advisory group to assist in the development and preparation of a new Land Development Code per the Imagine Austin Comprehensive Plan. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley)

There was a motion made by Council Member Morrison and seconded by Council Member Spelman to approve the resolution with the following amendments.

The amendments were:

“BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- 3. If a member of the advisory group subsequently resigns or fails to serve, the remaining members may select an individual to fill the vacancy subject to approval by the City Council. A member fails to serve if he or she misses 3 consecutive meetings or one-third of the meetings held in a twelve-month period. Membership may not exceed the number of individuals initially appointed to the advisory group by the City Council.**
- 4. The advisory group is not subject to the requirements of City Code Chapter 2-1 (*City Boards*) and shall terminate automatically by the end of September, 2015, or upon the adoption of a new land development code, whichever is earlier. However, the advisory group is subject to the Open Meetings Act, codified in Chapter 551 of the Government Code.”**

There was a friendly amendment made by Council Member Morrison to include the wording, “Members of this advisory board must agree to comply with the City’s ethics and personal responsibilities guidelines.” The amendment was accepted by Council Member Spelman, who made the second.

There was a friendly amendment made by Council Member Morrison to add a prohibition in the resolution against members who are registered or required to register as a lobbyist under Chapter 4-8 or who are employed by a person registered or required to register under that chapter. The amendment was not accepted by Council Member Spelman, who made the second.

There was an amendment made by Council Member Morrison and seconded by Council Member Tovo to add a prohibition in the resolution against members who are registered or required to register as a lobbyist under Chapter 4-8 or who are employed by a person registered or required to register under that chapter” to the resolution. The amendment passed on a 4-3 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell and Council Members Riley and Spelman.

Resolution No. 20121206-074 was approved with the amendments stated above on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell recessed the Council meeting for Live Music and Proclamation at 5:35 p.m.

LIVE MUSIC

woode wood

PROCLAMATION

Proclamation -- Teatro Vivo -- to be presented by Council Member Mike Martinez and to be accepted by JoAnn Reyes

Proclamation -- Edible Austin Eat/Drink Local Week 2012 -- to be presented by Council Member Mike Martinez and to be accepted by Marla Camp

Certificates of Congratulations -- COA Media Team, Channel 6 and Web Team -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Certificates of Graduation -- CityWorks Graduates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- Missing School Matters Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Suzanna Caballero and Rick L'Amie

Proclamation -- 15th Annual Merry Memories -- to be presented by Mayor Lee Leffingwell and to be accepted by Mona Gonzales

Proclamation -- Tapestry Singers Women's Chorus Week -- to be presented by Council Member Laura Morrison and to be accepted by Tapestry Singers

Mayor Leffingwell called the meeting back to order at 7:03 p.m.

DISCUSSION ITEMS CONTINUED

71. Approve a resolution initiating amendments to Title 25 of the City Code and directing the City Manager to develop an ordinance that allows businesses, under certain conditions, to utilize underutilized parking lots on city parkland to satisfy minimum parking requirements in exchange for providing significant amenities or enhancements to serve the park. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Bill Spelman)
There was a motion to adopt the resolution that was made by Council Member Riley and seconded by Mayor Pro Tem Cole.

There was a friendly amendment made by Council Member Martinez to include a new section in the ordinance under Part 2, Be It Resolved, E, "Nothing in this ordinance shall apply to the Mexican American Cultural Center and its master plan." The amendment was accepted by the maker and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Riley to add a new subsection authorizing the City Manager to consider allowing a fee in lieu of providing and maintaining the proposed amenity and that the evaluation process include an assessment of the value of the amenity relative to the parking spaces. This was accepted by Mayor Pro Tem Cole, who made the second.

The substitute motion to postpone action to January 17, 2013 failed on Council Member Tovo's motion, Council Member Morrison's second on a 3-4 vote. Those voting aye were: Council Members Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez and Riley.

There was a friendly amendment made to the substitute motion by Council Member Riley to postpone action to December 13, 2012. The amendment was not accepted by Council Member Tovo.

The substitute motion to postpone action to December 13, 2012 failed on Council Member Tovo's motion, Council Member Morrison's second on a 3-4 vote. Those voting aye were: Council Members Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez and Riley.

Resolution No. 20121206-071 was approved on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

114. Conduct a public hearing and consider an ordinance creating an economic development program for and authorizing the execution of an Economic Development Agreement with Visa Inc. and Visa U.S.A. Inc. The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20121206-114, including the additional contractual language stated below, was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote. The additional language was, "(c) Company will contractually require its architect and general contractor and their respective subcontractors to pay employees hired to make the leasehold improvements described in paragraph (a) above: (1) an hourly wage that meets or exceeds the prevailing wages for Travis County, as set forth by classification in the attached Prevailing Wage Chart, or (2) a minimum wage of \$11.00 per hour, whichever is greater. Company shall require its contractors to provide a monthly certificate of affidavit that they are in compliance with this section, which shall be made available to the City for inspection upon request provided, however, that Company shall not be required to maintain any additional records on individual workers who are not Company or Affiliate employees."

ZONING CONTINUED

86. C14-2012-0070 - Drink. Well. Rezone - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 207 East 53rd Street (Waller Creek Watershed) from neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning to community commercial-neighborhood plan (GR-NP) combining district zoning. First reading approved for community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning on September 27, 2012. Vote 6-0, Mayor Pro Tem Cole was off the dais. Applicant: M & J Properties, L.L.C. (Michael Sanders). Agent: Vasquez Ventures, L.L.C. (Rick Vasquez). City Staff: Clark Patterson, 974-7691.
- The second reading of the ordinance for community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. Council wants additional input before approving the applicant's request to remove the prohibition on music so they can have background music. Direction was given to staff to bring this back for final approval on January 17, 2013.

100. C14-2012-0032 - Del Curto Homes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2905 Del Curto Road and 1814 Lightsey Road (West Bouldin Watershed) from family residence (SF-3) zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. Owner/Applicant: PSW Lightsey, LP (J. Ryan Diepenbrock). City Staff: Heather Chaffin, 974-2122.
The public hearing was conducted and the motion to close the public hearing and adopt the first reading for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions limiting it to 35 units and 45 percent impervious cover was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.
111. Conduct a public hearing and consider an ordinance regarding the Austin Downtown Public Improvement District (PID) 2013 assessment roll and authorize the levying of 2013 assessments.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20121206-111 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
112. Conduct a public hearing and consider an ordinance regarding the East 6th Street Public Improvement District (PID) 2013 assessment roll and authorize the levying of 2013 assessments.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20121206-112 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

30. Authorize the negotiation and execution of any and all documents and instruments necessary for the conveyance of approximately 17,279 square feet of land in fee simple between the City of Austin and Steve and Michele Turnquist. Related to Item #110.
The motion authorizing the negotiation and execution of any and all documents and instruments necessary for the conveyance of land between the City of Austin and Steve and Michele Turnquist was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

PUBLIC HEARINGS CONTINUED

110. Conduct a public hearing in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code and consider a resolution approving the change in use and conveyance of approximately 17,279 square feet of land in fee simple to Steve and Michele Turnquist through the Balcones Canyonland Preserve tract known as Cortana, located along River Place Boulevard. Related to Item #30.
The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20121206-110 was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

PUBLIC HEARINGS CONTINUED

113. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district.
This item was postponed to January 17, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

63. Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with the Texas Facilities Commission to participate in the Texas Facilities Commission's Capitol Area Development Strategy for sites located in the City. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman CO 2: Council Member Chris Riley)

The motion to approve the resolution with the following amendments was made by Mayor Pro Tem Cole and seconded by Council Member Spelman. The amendments were, in the interlocal agreement, Section 3.01, in the third sentence, after the language, "As to the additional Study Areas, the City's monetary contribution will be determined as a result of solicitations for professional services and are further subject to Council approving funding," insert the words, "not to exceed \$200,000 or 50% of the total project cost."

In the resolution, the Be It Resolved should read, "The City Manager is directed to negotiate and execute an interlocal agreement between the City of Austin and the Texas Facilities Commission to participate in the Texas Facilities Commission's study efforts for state-owned sites identified by the commission within the City of Austin."

The last "Be It Resolved" paragraph should also include the words "not to exceed \$200,000."

The substitute motion to postpone action to February 14, 2013 failed on Council Member Morrison's motion, Council Member Tovo's second on a 3-4 vote. Those voting aye were: Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Riley and Spelman.

Resolution No. 20121206-063 was approved as amended above on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley, and Spelman. Those voting nay were: Council Members Morrison and Tovo.

64. Approve a resolution directing the City Manager to provide notice about, and to submit to the first available land use commission meeting for public hearing, project proposals that have been submitted for consideration to the Texas Facilities Commission for properties within the City of Austin for which City comments are required pursuant to Texas Government Code Section 2267.055. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)

Resolution 20121206-064 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

BRIEFINGS CONTINUED

79. Austin Energy Update on the Electric Vehicle Program.
This item was withdrawn.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 11:01 p.m. without objection.

The minutes were approved on this the 13th day of December 2012 on Council Member Spelman's motion. Council Member Morrison's second on a 7-0 vote.